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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,623	01/23/2001	Wen-Ching Chen	MR1683-291	8367

7590 11/07/2003

ROSENBERG, KLEIN & LEE  
SUITE 101  
3458 ELLICOTT CENTER DRIVE  
ELLIOTT CITY, MD 21043

EXAMINER

WORKU, NEGUSIE

ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 11/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/766,623	CHEN, WEN-CHING
	Examiner Negussie Worku	Art Unit 2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 August 2003.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 6-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 6-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 23 January 2001 is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- May*
- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .
- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_ .
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_ .

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## **DETAILED ACTION**

1. Applicant's arguments with respect to claims 6-12, have been considered but are moot in view of the new ground(s) of rejection. The finality of the office action has been withdrawn. Applicant's after final response has been entered. This is a non-final office action.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 6-12, are rejected under 35 U.S.C. 102(e) as being anticipated by Tsuchiya (USP 6,359,740).

With respect to claim 6, Tsuchiya discloses an image pick-up module (image capturing device as shown in fig 1), comprising: a circuit main board (base plate 10 of fig 1); an image sensor (a solid-state optical sensor 50 of fig 1) coupled to said circuit board (10 of fig 1) said image sensor (50 of fig 1) including a coupling transistor device (inherent on the sensor 50 of fig 1) disposed within a housing package (20 of fig 1) having a peripheral portion (plurality of

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apertures 101 of fig 1, see col.2, lines 29-30); a lens-seat (lens retainer 30 of fig 1, see col.1, line 60-62) being disposed on said image sensor (optical sensor 50 of fig 1, see col.1, lines 62-63) said lens seat including a connection section (protrusion 301 of fig 1, see col.2, lines 14-16), and image pick up cylinder section (302 of fig 1, col.2, lines 16-17), extending therefrom said connecting section (301 of fig 1) engaging said peripheral portion of said image sensor (50 of fig 1) housing package (20 of fig 1) to be guided there by into an aline position, see (col.2, line 58-60); and lens (lens 40 of fig 1) coupled to said image pickup cylinder section (302 of fig 1) of said lens seat (30 of fig 1), said lens (40 of fig 1) having an axis aligned in predetermined manner relative to said coupling transistor device (inherent on the sensor 50 of fig 1) when said connecting section (301 of fig 1) of said lens seat (30 of fig 1) is disposed in said aligned position.

With respect to claim 7, Tsuchiya discloses the image pickup module (image capturing device as shown in fig 1) wherein said lens seat (30 of fig 1) extend over and peripherally envelopes a top of said image sensor (50 of fig 1, as shown in fig 1).

With respect to claim 8, Tsuchiya discloses the image pickup module (image capturing device as shown in fig 1) wherein said connection section (301 of fig 1) has formed thereon first

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and second faces (302 of fig 1) defining an inner flange portion to retentively engaged said peripheral portion of said image sensor housing package (20 of fig 1).

With respect to claim 9, Tsuchiya discloses the image pickup module (image capturing device as shown in fig 1) further comprising a sealing glass sheet (60 of fig 1) overlaying a least portion of said image sensor housing package (20 of fig 1).

With respect to claim 10, Tsuchiya discloses a CCD image pickup module (image capturing device as shown in fig 1) wherein said sealing glass sheet (60 of fig 1) is disposed in peripherally flush manner over said image sensor housing package (20 of fig 1).

With respect to claim 11, Tsuchiya discloses the image pickup module (image capturing device as shown in fig 1) wherein said sealing glass sheet (60 of fig 1) is less in peripheral extent than said image sensor housing package (20 of fig 1).

With respect to claim 12, Tsuchiya discloses the image pickup module (image capturing device as shown in fig 1), further comprising a sealing glass sheet (60 of fig 1) overlaying a least a portion of said image sensor (50 of fig 1) housing package (20 of fig 1), said peripheral portion

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of said image sensor housing package extending peripherally beyond said sealing glass (60 of fig 1).

2. Any inquiry concerning this communication or earlier communication from Examiner should be directed to *Negus Worku* whose telephone number is (703) 305 5441.

The Examiner can normally be reached on M-F, 9 am - 6 pm if attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, ***Kimberly Williams***, can be reached on (703) 305-4863.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306, and any inquiry of general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

*KAWilliams*  
KIMBERLY WILLIAMS  
SUPERVISORY PATENT EXAMINER

10/30/03B